

The attached sheet(s) of drawings includes changes to Figs. 1, 2, 3(A)-(B), 10(A)-(B), and 25-27.

**Attachment:** Replacement sheet

## **REMARKS**

### **Non-Compliant Amendment**

The Amendment filed November 22, 2005 was considered non-compliant because the marked-up copy was not an original copy of the specification showing the changes thereto and each claim was not provided with the proper status identifier. In addition, the Examiner observed that the double patenting rejection of the outstanding Office Action was not addressed and the amended claims contained informalities.

Applicants have submitted revised marked-up and clean copies of the specification that remove paragraph numbering, show headings and subheadings as originally filed, and correct a paragraph break on page 3. Applicants have corrected the status identifiers of claims 3, 4, and 7-10 to read "withdrawn-currently amended." Applicants respectfully submit that claims 3, 4, and 7-10 as originally filed read on the elected species and request that they be reinstated. The double patenting rejection has been addressed, requesting that Applicants be given the opportunity to file a terminal disclaimer when all pending claims are allowed. Finally, informalities in the claims have been corrected.

Applicants respectfully submit that the present submission satisfies the requirements under 37 C.F.R. § 1.121 and request the Response be entered.

### **Pending Claims**

Claims 1-16 are pending. Claims 2-4, 7-10, 15, and 16 have been withdrawn for allegedly reading on non-elected species. Claims 1, 5, 6, and 11-14 have been examined. Claim 1 has been amended to incorporate claim 2, which is believed to read on the elected species for the reasons set forth below.

New claim 17 is directed to the elected species, for example, Figs 1, 4 and 9A. No new matter has been added.

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Claim 7 reads on the elected species, Fig. 5 (see also Paragraph [0121]. Fig. 5 shows that the long convex area 3 has a length of the top 3a being shorter than that of the bottom 3b in the longitudinal direction. Fig. 7 shows that the convex area has faces that slope from the top to the bottom. Applicant respectfully requests that claim 7 be reinstituted for consideration.

Claim 9 reads on the elected species. See Paragraph [0122] in reference to Fig. 5. Applicant request that claim 9 be reinstituted for consideration.

Claim 10 also reads on the elected species. As seen in Fig. 6, for example, the cross-section of the long convex area 3 becomes smaller from one end 5a to the other end 5b. See Paragraph [0123]. Claim 10 should also be reinstated for consideration.

Therefore, Applicants respectfully submit that claims 3, 4, and 7-10 have been improperly “withdrawn” for the reasons above. Claims 15 and 16 are withdrawn from further consideration.

### Specification

A substitute specification (a clean copy and a marked-up copy) is provided to correct the informalities therein. No new matter has been added.

The summary section has been amended to be commensurate with the scope of the claims. No new matter has been added.

With respect to what a sleeve portion is, a sleeve portion 14a is, as show in Fig. 2, is an opening of the elongated convex area, which is like a sleeve.

Descriptions regarding Figs. 9(A)-(C) has been amended to be consistent with the drawings.

“Longitudinal cross-section” has been corrected to “lateral cross-section” throughout the specification.

Other informalities have been amended in accordance with the indications in the Office Action.

#### Drawings

Figs. 25-27 have been labeled “PRIOR ART.” Fig. 1 has been amended to replace “X-X” with “I-I.” The description for Figs 10(A)-(D) has been corrected in the specification. Fig. 1, Figs. 2, Figs. 3(A)-(B), Figs. 10(A)-(B) have been amended to take out the underline under the various references. No new matter has been added.

#### Claim Objections

Claims have been corrected to obviate the various objections to the claims. No new matter has been added.

#### Claim Rejections – 35 USC §102

Claims 1, 2, 6, and 11-14 have been rejected under 35 USC §102(b) as being anticipated by Gann PCT ‘270. Applicant respectfully submits that those claims are not anticipated for at least the following reasons.

Claim 1 as amended recites as follows:

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Claim 4 as amended also is not anticipated by the cited prior art for much of the same reason as claim 3.

Claims 6 and 11-14 are not anticipated for at least the same reason as claim 1.

Claim Rejection – 35 USC §103

Claim 5 has been rejected under 35 USC §103(a) as obvious over Gann '270 in view of Wierlacher '096.

Claim 5 would not be obvious for at least the same reason as claim 1.

The invention as set forth in the claims has at least two advantages. First, the convex area can accommodate the labial appropriately because of the space between the main sheet body and the sub-sheet body. The space can flexibly deform and absorb body fluids. Second, as set forth in claims 3, 4 and 5, the interlabial pad can have different finger insertion openings – e.g. one between the main body sheet and the sub-sheet body and one between the main body sheet and the mini sheet piece. Such structure is not disclosed, taught, or suggested by the cited prior art references. For people with shallow labia, the finger insertion opening formed between the main sheet body and the sub-sheet body of claim 3 or 4 can be used. For people with deep labia, the finger insertion opening formed by the mini sheet piece of claim 5 can be used. Therefore, the interlabial pad can be used alternatively at least in two ways depending on the depth of the labia of wearers. See page 9, last paragraph to page 10, line 21.

New Claim

New claim 17, which reads on at least Figs. 1, 4, and 9A, is believed to be allowable for all of the reasons set forth above.

Double Patenting Rejection

Claims 1, 5-6, and 11-14 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 8, and 10-14 of copending Application No. 10/705,812. Applicants will respond to this rejection by filing an appropriate terminal disclaimer when the rejection is no longer provisional and when claims 1, 5, 6, and 11-14 of the present application are deemed to be allowable except for this rejection.



Claims 1, 3-14, and 17 are believed to be allowable for the foregoing reasons.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

By

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## Attachments